

RUNAWAYS AND THE LAW

The Iowa Code contains few provisions that speak directly to situations regarding runaway youth. Iowa Code Section 232.19 outlines provisions for taking youth into custody, and Code Section 232.21 defines criteria for the placement of youth into shelter care facilities. Both of the Code Sections make specific reference to runaways. Iowa Code Section 710.8 places prohibitions on harboring a runaway. Those Code Sections are discussed below.

The Iowa Code does not lay out any procedures or responsible parties to respond or intervene specifically after a runaway is taken into custody or has been being placed in shelter care. Related responses for the juvenile court and the involvement of other system officials (county attorney's, juvenile court officers, DHS, etc.) are, however, laid out in law for the following proceedings: Family in Need of Assistance (FINA), Child in Need of Assistance (CINA), delinquency processing and civil commitments to substance abuse and hospital settings. Each of those processes is discussed later in this section.

A number of sections of the Iowa Code related to runaways are modeled after or specifically related to federal law - the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act). The JJDP Act places restrictions on the use of secure holds for runaways - status offenders. An overview of relevant provisions of the JJDP Act is provided under "Federal Law" below.

State Law

Immediately below is an overview of responses both specific to runaway behavior and related system processing activities. It should be noted that the Iowa Code contains no formal definition of "runaway." For purposes of this report "runaways" will be defined as those juveniles who leave and remain away from home without permission.

Iowa Code Sections with Specific Relevance to Runaways

Discussion immediately below references Iowa Code Sections (and some federal reporting requirements) regarding processing for youth taken into custody that is specific to runaways.

Taking Youth Into Custody - Iowa Code Section 232.19

It should be noted that "taking into custody" is the process of removing a youth from the "street" and determining what further activity will need to take place. Taking a youth into custody is somewhat similar to that of placing an adult under arrest. Taking a youth into custody does not, however, mean that a youth will be securely "detained" - placed in a locked setting in a jail or a police department. Iowa Code Section 232.19 (1) allows for peace officers to take youth into custody:

- * to be reunited with their family or removing the child to a shelter care facility if there is reason to believe the youth has *run away*,

- * by order of the court,
- * for delinquent acts,
- * or for material violation of a disposition order.

The Iowa Code provides for a certain amount of latitude as to which youth can be taken into custody. Clearly, most runaway youth can be taken into custody for the purpose of being reunited with their parents or taken to a shelter care facility. Youth that have run away from a court ordered shelter or treatment facility can be taken into custody for violation of a court order.

Iowa Code Sections 232.78 and 232.79 also allow for youth to be taken into custody with ex parte court orders or without court orders in situations where removal is necessary to avoid imminent danger to the child's life or health.

Youth Reported as Runaways to Law Enforcement Agencies

Law enforcement practices regarding processing of runaway youth vary by jurisdiction, and can also be influenced by the situation unique to each runaway incident. Typically, when youth are reported missing to a law enforcement agency there is immediate radio notification to all other law enforcement agencies within the jurisdiction, so that officers can look for the youth while on patrol. Department of Public Safety (DPS) Officials indicate that a telephone call is all that is required to *begin* the process of relocating a runaway.

Regardless, once a law enforcement agency receives information on runaways (a description of the child and circumstances surrounding their disappearance), that information is to be immediately input on the Iowa On-Line Warrants and Articles System (IOWA). The entry of the information on the IOWA system provides immediate access regarding the details of a given runaway, and is broadcast to all law enforcement agencies statewide.

Any information entered on the IOWA system regarding juveniles is automatically updated to the National Crime Information Center (NCIC) which is the FBI's computer system. That system provides nation-wide access for information regarding runaways (also information regarding wanted delinquent juvenile and criminal adult offenders). Law enforcement officials that take youth into custody can look to both the IOWA and NCIC systems to determine if the youth is reported as a runaway or is wanted on any delinquent offense.

Information on the IOWA system relating to missing persons is forwarded to the Iowa Missing Persons Information Clearinghouse (MPIC). Procedures regarding missing persons and a description of MPIC are detailed in Iowa Code Section 694. Upon receipt of information (including information on runaway youth) from the IOWA system MPIC will assist law enforcement and families in locating missing persons. Any person may submit information regarding missing unemancipated minors to MPIC. MPIC's

functions include: collecting and disseminating information concerning missing person in Iowa, training law enforcement and other key staff, cooperating with other states and NCIC, maintaining a toll-free telephone line to receive and disseminate information related to missing persons, etc.

Iowa Code Section 694.10 (3) additionally requires law enforcement agencies to submit all missing person reports to MPIC. Missing person reports are to contain information relating to the missing person, information or evidence gathered by a preliminary investigation, a law enforcement officers assessment of the case based upon all evidence and information, etc.

Additionally, law enforcement agencies or *parents* can initiate relocation efforts through the National Center for Missing and Exploited Children. DPS officials indicate that the National Center typically does not begin providing assistance until after a runaway youth has been missing for at least 30 days. Requests for assistance from the National Center related to parental abduction, involuntary or stranger abduction, or for a child in immediate danger are acted on immediately. All law enforcement agencies are required to work with the National Center.

Taking Runaway Youth Into Custody

Once a runaway is taken into custody law enforcement officials must make a determination of what action to take with the youth. The demeanor of the youth and the information provided regarding the runaway incident will often dictate the action to be taken by the officer. Often runaway youth are taken back to their parents home. If it is determined necessary, the youth can be taken to the law enforcement station where notification and other processing can begin. Youth in custody may often have to be taken to law enforcement agencies if there is no parent or responsible relative with whom the child can be left. It is more common in Iowa's rural areas for youth in custody to be taken back to the station.

Many runaway youth taken to law enforcement agencies wait there until they are reunited with their parents/guardians. Other such youth may be taken to placement, shelter, foster family care, etc. Holds in law enforcement stations for runaways are normally brief (usually from two to six hours) and are to take place in unlocked areas. The duration of such holds is often affected by the ability to locate a parent or responsible relative to whom the child can be released.

Placement of Youth Into Shelter Care

Iowa Code Section 232.21 outlines provisions for the placement of youth into shelter care. The following must apply for youth to be taken into shelter care:

- * no parent, guardian or custodian, etc. will provide proper shelter, care and supervision, or
- * the child desires to be placed in a shelter, or

- * it is necessary to hold the child until a parent, guardian, or custodian has been contacted and has taken custody of the child, or
- * it is necessary to hold the child for transfer to another jurisdiction, or
- * the child is placed in shelter pursuant to an order of the court.

Runways in Shelter Care

Runaways may and often do meet one or more of the above outlined criteria for shelter care. Youth cannot remain in shelter care for more than 48 hours without a court order (verbal or written) within 48 hours. Iowa Code Section 232.21 requires that youth placed in shelter care by law enforcement who are believed to be runaways shall not be held for longer than 72 hours.

Harboring a Runaway Child

Iowa Code Section 710.8 makes it an aggravated misdemeanor to harbor a runaway with the intent of committing a criminal act involving the child or with the intent of enticing or forcing the runaway to commit a criminal act. Essentially, the Iowa Code prohibits harboring a runaway with the intent of involving them in criminal acts.

In the 1996 Legislative Session Section 710.8 was amended to prohibit persons from harboring runaways with the intent of allowing such youth to remain away from home against the wishes of the child's parent, guardian, or custodian. The provisions of the amended section do not apply to shelter care facilities. The change would make it a criminal act to harbor runaways against a parent's wishes.

It is not known how the amended code section is being implemented state-wide. It is believed that its use is not widespread, possibly from lack of knowledge that the new section exists. Also, situations involving runaway youth are often complex. Certainly that complexity would be a factor in how the section would be implemented. Additionally, local practice, such as whether or not a search warrant would be utilized, impact on how the new law is actually being implemented.

Iowa Code Legal Processes with Relevance to Runaways

The Iowa Code contains a number of processes that, although not provided as alternatives "specific" for runaways, are being utilized as responses to initiate formal court involvement on youth with runaway behavior. The processes are as outlined immediately below.

Child in Need of Assistance (CINA)

Iowa Code Section 232.2(6) defines a Child in Need of Assistance (CINA) as a an unmarried child who has been abandoned or deserted, abused or neglected, or who has or will likely suffer harmful situations, or who needs medical treatment, or who has or may suffer sexual abuse, or who is in need of treatment for chemical dependency, or who has parents that for good cause desire to be relieved of parental responsibilities (the Iowa Code definition contains more than a dozen different subsections defining CINA).

Youth adjudicated as CINA's often have runaway behavior as one of the presenting problems being considered by the court. In most jurisdictions it would be fairly unusual, however, for youth to be adjudicated as a CINA merely for runaway behavior. Many times youth adjudicated as CINA's have a number of different problems, besides runaway behavior, being presented to the court. CINA's are often abused or neglected, have placed themselves in harmful situations, are in need of treatment for chemical dependency, have committed minor delinquent or property offenses, are truant from school, etc.

Processing for CINA's

Typical CINA proceedings begin with a complaint provided to the juvenile court. Complaints can be provided to the court by mandatory reporters (i.e. law enforcement officers, social workers, teachers, medical professionals, etc.) or by any person having knowledge of the circumstances of a given child - such as parents, relatives, friends, neighbors, etc. The court within a given judicial district designates which entity (most often juvenile court services or the Department of Human Services) will be responsible for investigating the complaint and determining if further action is necessary. Investigation and supervision of CINA cases clearly differs in Iowa's eight judicial districts. In some jurisdictions investigation and supervision is performed by DHS, while in others the function is performed by juvenile court services, and in yet other jurisdictions investigation and supervision is performed jointly by DHS and juvenile court services.

DHS, a juvenile court officer, or a county attorney may file a petition alleging a child to be a CINA if the youth meets criteria as defined in Iowa Code Section 232.2 (6) (see above). If a court has evidence to sustain the petition and it is determined that its aid is required, the court may enter an order adjudicating the child a CINA. Following adjudication, the court determines what type of disposition is appropriate for the child.

Dispositions for CINA's

A variety of dispositions are available for youth adjudicated as CINA's which include:

- * the child remaining in their home and being placed under court supervision (such court ordered supervision may also include provisions for special treatment or care which the child needs for their physical or mental health),
- * placement of the child with a relative or other suitable person,
- * placement of the child in a foster home,
- * placement of the child in a group foster care facility
- * placement of the child in an independent living setting (for older youth)

- * placement of the child at the Iowa Juvenile Home in Toledo, Iowa

More information regarding above mentioned dispositions and the actual services available for CINA's will be provided in the "Services and Funding for Runaways" section later in this report.

Family In Need of Assistance (FINA)

Iowa Code Section 232.2 (20) defines a family in need of assistance (FINA) as a family in which there has been a breakdown in the relationship between a child and the child's parent, guardian or custodian. FINA processing is initiated by either parents or youth. The process is an avenue families themselves can initiate to access formalized court processing.

Processing for FINA

A FINA proceeding is initiated by the filing of a petition alleging that a child and their family or guardian are a family in need of assistance. The child or that child's parents may file the petition. The court may adjudicate the family if it finds that there has been a breakdown in the family relationship, the family has sought services from public or private agencies and the court has at its disposal services for the family. In all but one judicial district, FINA petitions are rarely, if ever, filed.

Under FINA provisions a child must agree to placement in group foster care, a foster home or other nonsecure setting before such a disposition can be utilized. Some form of family centered counseling would typically be offered in FINA proceedings. Clearly, to adequately utilize FINA proceedings the family has to be willing to participate. When the FINA jurisdiction was created in Iowa Law, it was, to a great extent, meant to be available to families experiencing non-delinquent parent-child conflicts (such as running away).

Fifth Judicial District Juvenile Court Services working with Youth Emergency Services & Shelter (YESS) in Des Moines is utilizing FINA proceedings to process certain youth. Youth with runaway or other acting out behavior work with staff at the shelter to begin the FINA process. For a FINA petition to be filed the youth and their family must sign a petition allowing the child to be placed in shelter and also allowing for the provision of other services. Once the petition is filed the juvenile court can authorize the payment of services by the Department of Human Services. In most cases there is no formal adjudication for youth accessing FINA processing. But the provision of shelter services allows for the court to access information on youth and their family, so that it can later be used if a CINA or delinquency adjudication is determined appropriate.

Reasons why FINA is rarely used in Iowa include the belief that without the ability to impose certain sanctions (secure placement), FINA dispositions will be ineffective in many situations. Also, funding available for FINA services and dispositions (e.g. shelter care, family-centered services) is considered by many to be inadequate given the demands for available funds by CINA and delinquency cases. Finally, it is believed that there is a lack of awareness of its existence.

Delinquency

Iowa Code Section 232.2(12) defines a delinquent act as the violation of any state law or local ordinance which would constitute a public or “criminal” offense if committed by an adult except any offenses excluded from the jurisdiction of the juvenile court. Included as delinquent acts are violations of federal law or a law of another state which constitute criminal offenses if cases involving that act have been referred to the juvenile court. Runaway behavior is not presently included as a delinquent act in the Iowa Code. As the definition reflects, the delinquency system is the court option to be utilized for the processing of criminal or “delinquent” juvenile conduct.

Delinquency Processing

Youth which commit delinquent acts can be referred for processing to the juvenile court. Many cases referred to juvenile court are diverted from formal system processing and receive either an informal adjustment (a contract outlining the conditions of probation signed by the youth and a juvenile court officer) or a consent decree (a consent decree is similar to an informal adjustment except it is signed by a judge). Youth which require formal system processing have a delinquency petition filed, receive delinquency adjudication and dispositional hearings. A fairly extensive array of dispositional options are available for delinquent youth which include probation, community services, restitution, substance abuse treatment, residential placement, etc.

It would not be possible under Iowa Code provisions to initiate delinquency proceedings based solely on runaway behavior. Many youth involved in delinquency proceedings, however, have run away or have runaway behavior included as one of their presenting problems to the court. An example of runaway behavior included with delinquency processing would be a youth that steals their parents car to run away from home.

Civil Commitment Proceedings

Iowa Code Sections 125 (chapter relating to substance abuse) and 229 (chapter relating to hospitalization of persons with mental illness) include provisions related to civil commitments. Both of the code sections provide definitions which specify persons as impaired due to substance abuse or mental illness. Both of the code sections outline voluntary and involuntary procedures under which persons (juveniles and adults) can be held in residential substance abuse or hospital mental health settings. Typically such holds are utilized in crisis situations to stabilize the behavior of the individual and to provide evaluation information for further dispositions of the court. Youth that receive substance abuse or mental health commitments often have runaway behavior as one of their presenting problems to the court.

Federal Law

Many Iowa Code provisions related to the processing of runaways are modeled after or specifically related to federal law - the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act). The JJDP Act includes provisions specifically related to secure holds for runaways. CJJP receives information on youth securely held in jails/lockups, juvenile detention facilities, the Boys State Training School, etc. to monitor

its compliance with the JJDP Act. States are allowed to have low numbers of noncompliant holds yet still remain eligible for JJDP Act funding. An overview of relevant provisions of the JJDP Act is provided immediately below.

The Federal Juvenile Justice and Delinquency Prevention Act

The JJDP Act was first authorized in 1974 and includes requirements relating to secure holds for youth. Two JJDP Act requirements “jail removal” and “sight and sound separation” place restrictions on the use of secure holds for youth in adult facilities. Another JJDP Act requirement, “Disproportionate Minority Confinement” (DMC) requires states look at and include in their planning processes methods to determine if youth of color are overrepresented in juvenile justice system processing, and, if overrepresentation exists, develop and implement a plan for reducing DMC.

The requirement of the JJDP Act most specifically related to runaways is the “deinstitutionalization of status offenders” (DSO) requirement. The DSO requirement is overviewed immediately below.

Deinstitutionalization of Status Offenders

The deinstitutionalization of status offenders (DSO) requirement prohibits the use of secure facilities to hold status offenders. The JJDP Act defines *status offenses* as acts committed by youth (such as running away, truancy, possession of alcohol or tobacco, etc.) which would *not* be criminal if committed by adults. Consequently, under the JJDP Act, runaways cannot be held in secure settings such as jails, juvenile detention facilities, locked residential treatment facilities, etc. The intent of the DSO requirement is to restrict the use of secure confinement of juvenile to those behaviors for which an adult could be securely confined.

DSO Exceptions

Although the DSO requirement prohibits secure holds for status offenders, a number of JJDP Act exceptions do allow for the use of secure settings for such youth. The exceptions are as outlined immediately below.

24/48 Hour Exception

The DSO requirement does provide exceptions which would allow for secure holds for status offenders. One exception would allow for the use of juvenile detention facility holds for “accused” status offenders for up to 24 hours before and an additional 24 hours after a court hearing (total of 48 hours). The exception was created to allow for brief periods of detention for accused status offenders when other alternatives are not readily available, or the detention is necessary to insure a youth’s initial appearance for a court hearing, or the brief detention is necessary as a transition to another alternative. No such exception is present in the Iowa Code.

Valid Court Order Exception

Additionally, the JJDP Act provides for participating states to utilize the valid court order exception (VCO). The VCO exception allows for youth brought before the court for a status offenses (such as runaway behavior) to be held in secure juvenile detention or

correctional facilities if they violate the conditions of an order issued as a result of that status offense. For this exception to apply, the juvenile court must have jurisdiction over status offenders, such as runaways. To utilize the VCO exception states are required to provide certain procedural and due process requirements.

A number of states across the nation utilize the VCO exception. How it is actually implemented is unique to individual states. For example, in Missouri an average of fewer than 150 youth per year are held pursuant to VCO provisions. Whereas, in Ohio (the state that holds the most youth for VCO violations), it not unusual for in excess of 1500 youth per year to be held for VCO violations.

The procedural requirements of the VCO exception do not exist in the Iowa Code. An overview of the specific requirements of the VCO exception is provided in Appendix A.

Mental Health Commitments

The DSO requirement of the JJDP Act also includes an exception which allows for secure holds of status offenders in hospital settings for mental health services providing there are separate civil commitment statutes governing such holds. Iowa Code Sections 229 and 125 provides the civil commitment statute which allows Iowa to utilize this exception.

SERVICES AND FUNDING FOR RUNAWAYS

The above discussion regarding state and federal law has been provided to illustrate how the law speaks to runaways. That discussion is intended to explain how runaways come into contact with the system and how they can or cannot be processed in the system. Another important major component of the system, however, is its network of services. This section will provide information on a number of services that are, or that might be, accessed by runaways.

The section differentiates services by how specific their intended focus is for runaways. Shelter care and family preservation have a fairly specific focus for runaways, while other related services such as group or family foster care (which definitely serve youth that have runaway behavior) may not have as specific of focus toward runaways. This section also differentiates services as to how they are accessed and implemented, whether that be at the state or local or community level. For example, shelter care is presented as a state service for runaways, while attendant care is overviewed as an option more specific to a community or locality. The federal Runaway and Homeless Youth act funds, federal funds specifically earmarked for runaways, will be overviewed.

Changes Affecting Services For Runaways

Any discussion of the services available to runaways in Iowa would be incomplete without some background information regarding changes that have collectively had a major impact on the juvenile justice/child welfare system of services and how those services ultimately are administered to runaways. Some of the changes to be discussed in this section which have had an impact on services include: the group care “cap” established by the Iowa Legislature in 1992, the recent growth of Iowa’s in-home

Family-Centered Services, a Medicaid Initiative related to placement and non-placement services, managed care - for mental health and substance abuse treatment, and the “decategorization” of certain DHS funding.

Group Care Cap

In 1992 the Iowa General Assembly passed legislation to establish a group “cap” that placed increased emphasis on placement prevention services and limited the historical growth of group foster care and residential treatment expenditures. In fiscal year 1997 a new type of “cap” was established that put limits on the amount of funding (rather than the number of beds) available per DHS region. DHS and juvenile court officials, working in local collaborations with service providers and others, continue to develop plans for alternative services for youths who in the past would have been placed in group care. In November of 1992 there were 1,377 youths in group care compared to 950 in June of 1996.

There is widespread believe among system officials that limited placement availability created by the cap has “stacked up” youth in, among other programming, shelter, detention and family preservation services. Program slots that were perhaps once available for runaways in these services are now being held by youth that may previously have been in a placement setting.

Medicaid Initiative

The Medicaid Children Services Initiative began in November of 1993. Local DHS staff, contract service providers, juvenile court officers and others spent many months establishing and learning the new system and time-consuming procedures (redefined services; established new contracts and service rates; began new client assessment, case planning and monitoring activities; established and implemented new record keeping and program documentation efforts) to allow the state to draw upon previously untapped federal funding for both placement and non-placement services for children, youths and families. While this initiative greatly increased the pressures on local communities to plan and implement new service and case management approaches, it has greatly increased the amount of federal funding available for child welfare and juvenile justice services. The Medicaid funding process has required communities to look differently at how some services must be provided and this has likely had an impact on their relevancy to runaways.

A number of juvenile justice system officials contacted for completion of this report indicate that the approval *process* necessary to determine eligibility for Medicaid funding takes a great deal of time and energy for staff at local DHS, juvenile court and youth service providing agencies. They indicate that prior to the Medicaid initiative far less effort was necessary to get youth into and keep youth in services, and that less effort was necessary to move youth from one level of services to another.

Managed Care - Mental Health and Substance Abuse Treatment

Two years ago, a mental health access plan was developed for Iowa to provide Medicaid-funded services through a managed-care provider. As a result, many new case

management and service eligibility and delivery policies and procedures were developed and have been implemented across the state through state contracts with a managed health care provider. Last year, a similar managed-care approach was instituted for Iowa's substance abuse treatment services. The new service policies and procedure associated with these initiatives have not been without controversy and have required many adjustments to local juvenile justice and child welfare service system plans.

Expansion of Family-Centered Services

Iowa was one of the first states in the nation to establish a state-wide system of in-home, family-centered services. This DHS funded program, which has grown by millions of dollars in the last several years, continues to serve as a center-piece of Iowa's juvenile justice/child welfare system. Its recent growth, including the development and rapid expansion of family preservation services, has resulted in an increased need for program and case management adjustments to coincide with other system changes described in this section. The goal and nature of family centered services has made it a viable alternative for runaways, as well as for many other varied populations of youth and their families.

Some system officials indicate that to access Medicaid funding there is a necessity to focus on the needs of the "youth" as opposed to the needs of the "family". They stress that such a focus is inconsistent with the original "family" focused approach of family-centered services.

Decategorization

In 1987, the Iowa Legislature mandated that DHS begin a process that would start "decategorizing" the child welfare system. Iowa's decategorization initiative is being designed and implemented throughout the state to allow local communities to redesign their child welfare and juvenile justice service systems through increased funding *flexibility*. Largely in response to the need to reduce out-of-home placements, many communities have taken advantage of the decategorization concept to increase the number and effectiveness of early intervention and prevention services.

Some communities have utilized DHS' decategorization initiative for operational or special programming costs in shelter care. It is assumed that the shelter care funds have either directly or indirectly allowed for the provision of services to runaways.

The basis of decategorization is to provide for local control of resources for the specialized needs of a given jurisdiction. Communities are encouraged to incorporate funding and services in a fashion that allows for them to "follow" youth. Communities that wish to target services to respond to runaways behavior can utilize the decategorization initiative to allow for the provision of services through local DHS, juvenile court, school, or private providers offices.

Program Access

DHS officials report in FY 1996, there were 20 operating decategorization projects within 36 counties and approximately 65 percent of Iowa's child population. In FY

1997, this number is expected to increase to 26 projects, 62 counties, and almost 75 percent of Iowa's child population. Local DHS offices working with other juvenile justice and child welfare system officials have a larger amount of local control over certain DHS funds through the decategorization initiative.

Federal Funding Administered Specifically For Runaways

There are federal funds administered to Iowa providers and providers in most other states specifically to service runaways. A number of Iowa communities provide local programming with these federal dollars. An overview of that federal program, the Federal Runaway and Homeless Youth Act Funds is provided immediately below.

Federal Runaway and Homeless Youth Act Funds

With the intent of creating prevention and non-punitive systems of social services for status offenders and other vulnerable youth and their families, Congress authorized resources to help fund youth shelters and family support services under the Runaway and Homeless Youth Act (RHY Act), Title III, of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974. Federal funding through the Department of Health and Human Services specifically targeting runaway and homeless youth is awarded through discretionary grants for "Basic Center" programs and "Transitional Living" projects. Supplemental funding for "Street Outreach" programs is authorized under the

Violent Crime Control and Law Enforcement Act of 1994. Each of the Programs/projects is discussed below. A major focus of RHY Act funding is to keep non-criminal youth away from formalized system processing.

Basic Center Program

Funded at \$43.6 million dollars for federal fiscal year 1996 (October '95 - September '96), the "Basic Center Program" of RHY Act supports over 300 shelters and private providers nationwide. Five Iowa agencies access Basic Center funding, but actual services are subdivided and are provided in Ames, Cedar Rapids, Council Bluffs, Des Moines, Indianola, Iowa City and Mason City. The purpose of the "Basic Center Program" of RHY Act is to support agencies that provide crisis intervention and counseling services to runaway and homeless youth outside the traditional juvenile justice, law enforcement, and welfare systems (maximum 14 day emergency shelter and accompanying support services). The program seeks to reunite families whenever possible or arrange for other suitable living arrangements for the youth.

Transitional Living

Transitional Living projects are funded to serve older homeless youth (ages 16-21) for up to 18 months with a focus on developing independence and self sufficiency skills. In federal fiscal year 1996 \$14.9 million in funding was available nationally. Programs in Ames and Des Moines are funded with Transitional Living program funds.

Street Outreach

Street Outreach projects are to provide street based outreach and education (including treatment, counseling and provision of information and referral) for runaway, homeless and street youth who have been subjected to or at risk of sexual abuse. A total of 55 Street Outreach grants were awarded nationally. These are \$100,000 grants with a one year duration. One Iowa program accesses Street Outreach funding and provides services for youth in Ames and Des Moines.

Program Access

All grant applications are awarded competitively through a national paneling process. In the case of Basic Center grants, states are given a certain state allotment for new awards as well as for continuation awards. The amount of the State allotments is taken from a formula based on census data regarding the number of youth in a state. Basic Center grants have three year project periods. For non-competing Basic Center grants, grantees submit applications to the Regional Offices for continued funding. Awards from RHY Act programs are made directly to community agencies in Iowa. No state agency is involved in disbursement of the federal funding to local programs.

Note: There is no longer national funding for Drug Abuse Prevention Program grants under RHY Act. Agencies in Iowa City and Des Moines recently lost funding under that program.

State Services For Runaways

There are no state funds specifically earmarked for runaways. Provided in this section is information on state services that may have more of a direct focus of working with runaways, as well as some other state services related to work with youth that have runaway behavior as one of a variety of presenting problems to the court.

Additionally, in this section and in the “Local Services for Runaways” section discussed later in this report is some basic statistical information describing the populations of youth accessing the various services discussed. The information is taken from DHS’ Family and Children’s Services System (FACS). The Department has developed the automated case management system to improve collection of demographic and service data on children and families receiving child welfare services, as well as service providers. Most of the statistics are for the report month of May 1996.

State Services Focused Toward Runaways

Provided in this section is information on state services that may have a more direct focus of working with runaways, although there are few state services that maintain a singular focus toward working with a runaway population. In fact many state services are accessed by fairly diverse populations of youth. For example, on any given day a shelter care facility could have in its population young delinquent youth, adjudicated CINA’s awaiting placement and youth whose families are in a crisis (such as a runaway). Included immediately below is an overview of certain Iowa services with relevance to runaways.

Shelter Care

Shelter care provides 24-hour emergency care for children unable to remain in their own home, until they can be returned home or other permanent arrangements can be made. Shelter care is designed to serve children a maximum of 30-45 days. Shelter care services primarily include crisis intervention and daily supervision. Associated activities include social casework, court involvement, payment and recovery. Shelter care services are provide by private or public agencies..

Shelters in Iowa were originally designed to serve a population including runaway youth. Much of the funding was county based and many of the youth in shelter care had a low level of system involvement. The population of shelter care has shifted in recent years to one comprised more largely of system involved youth, due, in part, to changes in the system itself such as how services are funded.

In the report period of May 1996, 300 youth received shelter care services. Most youth in shelter care are older (57 percent age 12 - 15 and 34 percent age 16 and over). Boys comprised 54 percent and girls 46 percent of youth held. Youth of color comprised 12 percent of all youth held (African American=7 percent, Hispanic=3 percent, Asian=2 percent - Caucasians=77 percent, Other=10 percent). The FACS system provides information on reasons for removal. “Child issues” were listed as the removal reason in 53 percent of the holds (the other reasons for removal include: delinquency=16 percent, parental issue=12 percent, abuse=16 percent and other=3 percent). It is assumed that

“child issues” often includes runaway behavior for children as one of the reasons for placement in shelter care. *Source (DHS): FACS KPI report for May 1996.*

Funding sources include state and county funds, RHY Act, Social Services Block Grant funds, Title IV-E Foster Care funds, Title IV-B Child Welfare funds, Title IV-A funds, children’s income (such as Social Security, SSI, and Veterans benefits), child support, parental liability, court funds, etc.

Access to Shelter Care

DHS administers state and federal funding for foster care services. Iowa Code Section 234.35(1)(h) provides that such foster care funds are to be available to pay the costs of shelter care (up to 72 hours) involving runaways. Shelter care facilities also often rely on federal and county or other local funding.

Family Preservation Services

Family Preservation is a highly intensive and time-limited intervention that was developed to prevent out-of-home placement of children. Services are provided in-home and are tailored to meet the individual needs of families in crisis (such as runaways) and consist of one or more of the following components: therapy and counseling, skill development and psychosocial evaluation. Other services such as supervision, transportation, and community resource building are also available to families. Family Preservation services are designed to complement an existing array of family-centered services and are distinguished by:

- * Brief (45-day average) service duration
- * Small caseloads with staff-client ratios of 1 to 3.5.
- * 24-hour-per-day service response capabilities.
- * Initial face-to-face contact within 24 hours for regular referral and three hours for emergency referrals.
- * Availability of family assistance funds that workers can use to purchase “hard” resources, such as food, clothing, emergency shelter and other time-limited assistance when such assistance would directly help prevent placement of the child.

The number of families served with family preservation services has increased from 702 families in 1990 to 2,750 in 1996. In May 1996 the average length of service for family preservation services was two months. The population served is 49 percent boys and 51 percent girls. Most youth served are Caucasian (76 percent).

Youth of color comprise 9 percent of those children served (African American= 5 percent, hispanic/latinos=2 percent, Native Americans=1 percent, Asians 1=percent). 16 percent of those served were race/ethnicity of “other”. *Source (DHS): FACS KPI report for May 1996.*

Family Preservation services are provided by approximately 20 private agencies under contract with the state. Until November 1, 1993, family preservation services had been funded entirely by state appropriations. Effective November 1, 1993, family preservation services were included as part of rehabilitative treatment services under Iowa’s Medicaid State Plan.

Program Access

The provision of family preservation services to the families of runaways would often begin through a child abuse investigation or possibly through self-referral to a DHS office (in situations similar to that of youth accessing family centered services - family centered services are discussed below). If DHS determines (through use of criteria) that family preservation services are appropriate a request for approval would be submitted for reimbursement through Medicaid funding. Reimbursement for family preservation services can be provided from date of referral. Family preservation services are provided by private providers. The ability of runaways to access family centered services is dependent upon the ability of DHS workers to get approval for funding of the service. The amount of funding available for these services can be an issue related to accessing the service, as can the extent to which the runaway’s presenting problems are consistent with service rules designed, in part, to comply with Medicaid eligibility policies.

Family Centered Services

Family Centered Services are interventions designed to prevent or treat child abuse, neglect and delinquency, to prevent or reduce out-of home placements and maintain family reunification. In the family-centered program, rehabilitative treatment service components are: therapy and counseling, restorative living, family and social skill development, and psychosocial evaluation services. With the help of family-centered services, families can resolve immediate crises and keep or gain a responsible level of control over the child’s activities and in the community.

There are over 150 private agencies throughout Iowa that provide family-centered serves. In FY 1996, approximately \$21 million was appropriated for the family centered program. Program expenditures have risen from \$17.08 million in 1994 to \$32.30 million in 1996. The funding sources include state and federal Medicaid funds. In SFY ‘95, federal IV-A Emergency Assistance funds were also included to fund the program..

The number of families served with family centered services has increased from 999 per month in 1991 to 4,400 in 1996. The average length of service for family centered services is seven months. The population served is 55 percent boys and 45 percent girls. Most youth served are Caucasian (80 percent). Youth of color comprise 11 percent of

those children served (African American= 7 percent, hispanic/latinos=2 percent, Native Americans=1 percent, Asians 1=percent). 9 percent of those served were race/ethnicity of “other”. *Source (DHS): FACS KPI report for May 1996.*

Program Access

The provision of family-centered services to the families of runaways would often begin through a child abuse investigation, a self-referral to a DHS office or possibly through a private provider working with a family accessing family preservation services. Some juvenile court offices will also assist in beginning the process to start family centered services. It would be a DHS office, however, that makes the approval for the service. If, through its criteria, DHS determines that family-centered-services are appropriate, a request for approval would be submitted for reimbursement through Medicaid funding. Once approval is received family-centered-services could begin.

It is reported that some jurisdictions have waiting lists for family centered services of up to three or four weeks. Family-centered services are provided by private providers. The ability of runaways to access family centered services is dependent upon the ability of DHS workers to get approval for funding of the service. The amount of funding available for these services can be an issue related to accessing the service, as can the extent to which the runaway’s presenting problems are consistent with service rules designed, in part, to comply with Medicaid eligibility policies.

Mental Health Services

On March 1, 1995 the Mental Health Access Plan (MHAP) was launched in Iowa with a managed care organization providing the management of the program. The intent of the program is to expand the access and range of appropriate mental health services and to help contain federal, state and county expenditures for mental health services. Mental Health services provided include: inpatient, partial hospitalization, day treatment, residential, intensive outpatient, outpatient (individual, marital and family, group), crisis intervention, targeted case management, mobile treatment. Depending on the situation of a runaway youth and their family, any of the MHAP services mentioned above may be appropriate. Runaway youth are presently accessing MHAP services.

The distinction or change with the MHAP system is that a part of accessing some of the various services is the need for a diagnosis of the mental health problems for the persons involved. Classification as a runaway would not, in and of itself, merit a psychiatric diagnosis, although concurrent emotional or behavioral problems might. The diagnosis is necessary to engage the system

An estimated 165,000 Iowa Medicaid recipients are covered by MHAP. With certain exceptions, recipients include those eligible through the Family Investment program (Iowa’s AFDC) and related categories, as well as people eligible through Supplemental

Security Income (SSI) and related categories who are also under the age of 65. Persons who are ADC related Medicaid eligible that receive services through an HMO are not included in the MHAP program.

Service Access

Clients may access MHAP services by calling a toll free number to receive a referral to and authorization for the most appropriate level of care. Clients may also go directly to a participating provider or facility, community mental health center, or their MediPASS (Medicaid medical or surgical) provider to access care. When emergency services are needed, MHAP clients are encouraged to go directly to an emergency room. Approval of the emergency services must be obtained within limited time frames thereafter. Youth over age 12 must agree to hospitalization to be admitted. If they do not agree, but meet criteria on the basis of danger to themselves or others, they may be held for observation pending court commitment proceedings. Mental health and substance abuse civil commitment procedures were overviewed earlier in this report.

Services similar to those described in the MHAP system may be available through the private insurance coverage's held by some families. Mental health services are being provided to runaways in families covered by private insurance. The array of services actually available would be dictated by the individual coverage's of those families.

Families without insurance coverage that are not eligible for MHAP coverage would be much more limited as to the mental health options available. Some communities do have mental health centers or other counselors or mental health providers that will provide services on a sliding fee scale basis. They may qualify to receive State Psychiatric services at the University of Iowa. Psychiatric Hospital. Funding for these services is administered according to county of residence.

Substance Abuse Services

On September 1, 1995, Iowa launched the Iowa Managed Substance Abuse Care Plan (IMSACP). This was a joint project of the Iowa Department of Public Health and the Department of Human Services. The basic concepts of the plan are similar to MHAP. Eligible Medicaid clients (with certain exceptions) are included in the group of persons covered by IMSACP

Through IMSACP, eligible clients can access a full range of substance abuse treatment services, including assessment and referral, treatment, discharge and continue care planning. Substance abuse services delivered to Medicaid clients at the most intensive levels of care (intensive outpatient; residential: medically monitored residential; inpatient) require treatment authorization, and, are subject to care management and concurrent review. For Medicaid services at all levels of care IMSACP processes and pays claims.

Program Access

Clients (including runaways and their families) may access IMSACP services directly by calling a toll free number where they will receive referral information to appropriate treatment resources. Clients may also go directly to an IMSACP network provider or facility to access care. Providers contact IMSACP to verify eligibility for all Medicaid clients. Similar to MHAP, when emergency services are needed, IMSACP clients are encouraged to go directly to an emergency room. Approval of the emergency services must be obtained within limited time frames thereafter.

Substance abuse services are being provided to runaways in families covered by private insurance. The array of services actually available would be dictated by the individual coverages of those families. Some officials contacted for completion of this report indicate that inpatient programs specifically for adolescents are few in number, though youth with both substance abuse and mental health problems may be hospitalized for psychiatric services. On the opposite, least restrictive end of the continuum are substance abuse services offered through high schools and supported by programs for students at-risk.

Through funds supplied to the program by the Department of Public Health, IMSACP is able to continue to serve clients that are NOT Medicaid eligible. Eligible non-Medicaid clients include individuals who can demonstrate that their annual income is below 400 percent federal poverty level.

Other State Services and Funding for Runaways

Provided immediately below is information on other state services that may not have a direct focus on working with runaways, but work with youth that have runaway behavior as one of a variety of presenting problems to the court. Some, but not all of the services, work with youth that are engaged in formal system processing.

Juvenile Court Services

Juvenile court services offices typically deal with youth that have committed delinquent acts, although offices in some jurisdictions additionally work with youth engaged in CINA or FINA proceedings. Even though most youth under the supervision of juvenile court services are delinquents, it is also clear that many such youth often have runaway behavior as one of their presenting problems to the court. All juvenile court offices provide supervision and case management services, one objective of which is to effect change in the juvenile or prevent certain behaviors in the future. The basic type or style of supervision and case management can vary from one district to the next, and juvenile court officers' individual techniques are likely to vary within the same judicial district. The manner in which community service and restitution programs are managed can vary among offices and officers. There are also a fairly wide variety of education/experiential programs provided or coordinated by juvenile officers, such as peer court, OWI

awareness programs, shoplifters diversion program, etc., that are designed to serve as a primary or supportive intervention. Juvenile court office services are provided through both informal adjustments and formal dispositions.

Juvenile courts also have done fairly extensive work with four new programs originally proposed to the Iowa Legislature in the 1995 budget which deal with delinquents. The four programs include: school based supervision projects, adolescent tracking, supervised community treatment and life skills. The new programs allow for intensive work with youth while they remain in the community, and are designed to promote collaborative work among DHS, Juvenile Court and the school system. The school based supervision projects will be discussed in greater detail in the "Local Services" section later in this report.

Juvenile court services offices typically make recommendations to the juvenile court on potential case actions. Based on those recommendations and other information provided for a given case the court will dispose a case accordingly. Often some form of treatment service will be court ordered. Most or many of the treatment services ordered by the court will be reimbursed with funding through DHS.

Service Access

Access to the juvenile court services is unique to the various judicial districts across the state. Juvenile court services offices receive most of their referrals through law enforcement agencies. Referrals may be received as well, however, through DHS and schools. Jurisdictions often have to coordinate with DHS especially on cases where presenting problems to the court involve issues related to both delinquency and CINA (in most jurisdictions DHS supervises CINA cases).

Psychiatric Medical Institutions for Children

Psychiatric Medical Institutions for Children (PMIC's) service children with psychiatric disorders who are able to be treated in a physically nonsecure setting. Funding sources for PMIC's are state and federal Medicaid funds. Most youth in PMIC facilities are CINA's (85 percent). Most youth in PMIC's are older (30 percent are over age 16 - 49 percent fall in the range of ages 12 - 15). Many youth have engaged in runaway behavior by the time they have been placed in a PMIC setting.

Service Access

Effective January 1996 PMIC's placements are managed under IMSACP. Placement of a youth in PMIC for substance abuse treatment would need to follow the approval procedures of the managed care contractor.

Group Care

Group care provides highly structured 24-hour treatment services and supervision for children who cannot be served at a less restrictive level of care due to the intensity or severity of their emotional/behavioral problems. Group care also offers services to families and children in order to implement plans for permanent placement. Permanency goals for children in foster care include reunification with family, placement with a

relative or guardian, adoption, independence and long-term care. Many youth in group care have, in all probability, had runaway behavior as one of their presenting problems to the court. Runaway behavior alone, however, would not ordinarily be the basis for placement of a child in a group care setting.

Group care services include counseling and therapy, social skills development, restorative living skills development, family skills development, and supervision. Associated activities include social casework, court involvement, licensing, payment and recovery. Group care services are purchased from private agencies. There are four levels of group care: community, comprehensive, enhanced, and highly structured.

Funding sources for group care include: state funds, Social Services Block Grant funds, Title IV-E Foster Care funds, Title IV-B Child Welfare funds, Title XIX funds, children's income (such as social Security, SSI, and Veteran's benefits), child support, and parental liability.

Group Care Access

Obviously, the group care "cap" discussed earlier in this section has had a significant affect on the numbers of youth being placed in group care. Given the limited availability of group care placements, only children with the most severe emotional/behavioral problems are being placed in that setting. A variety of alternatives have, in all likelihood, been attempted prior to a youth being placed in group care.

Youth placed in group care have typically been adjudicated (either as delinquent or as CINA) and have had approval for the placement to utilize Medicaid funding. Youth can be placed in group care without approval for Medicaid funding, and such holds are then paid for with state funds. DHS officials indicate that because group care placements can be made without Medicaid funding approval, the overall impact of the Medicaid initiative on access to group care has been minimal. A number of local officials stress that the "process" of determining eligibility for Medicaid funding takes a great deal of time and energy. They indicate that prior to the Medicaid initiative far less effort was necessary to get youth into and keep youth in services.

Family Foster Care

Family foster care provides 24-hour temporary care for children unable to remain in their own homes, while also offering services to families and children in order to implement plans for permanent placement. Permanency goals for children in foster care include reunification with family, placement with a relative or guardian, adoption, independence and long-term care. Certainly some of the youth in family foster care have runaway behavior as one of their presenting problems to the court, but many of the youth accessing the service are younger children that have been removed from abusive homes.

Family foster care services may include counseling and therapy, social skills development, restorative living skills development, family skills development, behavioral management for children in therapeutic foster care and supervision. Associated activities include social casework, court involvement, licensing and training, payment and

recovery. Family foster care services are provided directly by DHS or they are purchased from private agencies. Family foster care includes three levels of care: basic, emergency, and treatment.

Funding sources for foster family care include: state funds, Social Services Block Grant funds, Title IV-E Foster Care funds, Title IV-B Child Welfare funds, Title XIX funds, children's income (such as social Security, SSI, and Veteran's benefits), child support, and parental liability.

Youth spend an average of 15.2 months in family foster care. DHS has calculated that average from children discharged April through June 1996.

Foster Family Care Access

Youth placed in foster family care have often been adjudicated (either as delinquent or as CINA) and have had approval for the placement to utilize Medicaid funding. A variety of alternatives have, in all likelihood, been attempted prior to an adjudicated youth being placed in foster family care. Foster family care is, additionally, often used for children in removal situations in the case of abuse or neglect. Many youth in foster family care, especially older youth, have engaged in runaway behavior.

Independent Living Services

Independent living provides a level of care and supervision that is midway between traditional foster care and total discharge for older youth in foster care. In this level of care, the child lives in an apartment under supervision of a DHS/Juvenile Court Services or private agency worker. The goal of the program is to promote independence. Many, but by no means all of the youth in independent living have had fairly extensive involvement in the juvenile justice/child welfare system. Many of the youth in independent living have at some point in their contact with the system run away.

In order to be eligible for independent living placement, the youth must meet one of the following criteria:

- * be age 16 - 18, working and attaining a high school diploma or a GED, or
- * be age 18 or older, working and making satisfactory progress toward attainment of a high school diploma or a GED.

According to DHS during SFY 96 there were an average of 131 youth per month in independent living.

The program is funded with state funds, Title IV-B Child Welfare funds, children's income (such as Social Security, SSI, and Veteran's benefits, child support, and parental liability, RHY Act funds.

Independent Living Program Access

Most youth accessing the program have been adjudicated either CINA or delinquent and have been placed by court order. Youth & Shelter Services of Ames operates a Independent Living program with RHY Act funds - the nature of the funding allows access to the program for some older youth not involved in system processing.

The Iowa Juvenile Home

The Toledo Juvenile Home is a state institution which provides residential treatment for males and females who have been adjudicated CINA as well as females who have been adjudicated delinquent. Many of the youth at the juvenile home have engaged in runaway behavior. Prior to placement at the Juvenile Home many of its residents have accessed a variety of other services or have been in other forms of out-of-home placement. The Juvenile Home houses a number of treatment programs for youth that vary in their target population and treatment methods. Additionally, youth residing at the Juvenile Home typically receive services from a variety of treatment components during their stay.

The Juvenile Home is comprised primarily of unlocked cottages in a campus setting. In the summer of 1996 a locked program began operation in one of the cottages for delinquent girls.

The Juvenile Home receives 50 percent of its funding from state funds. There is also a county match for the CINA program.

Program Access

Youth that access the program have been adjudicated as delinquent and/or CINA and placed by court order. Many youth accessing services at the juvenile home have been runaways.

Local Services For Runaways

This section provides information on services that are being implemented at the community level. These services are being administered with a variety of different funding sources. Some of the services such, as intake centers and attendant care programs, are designed for or have a specific focus for work with runaways. Those services are discussed immediately below. Later in this section information is provided on “other” local services that may not have a direct focus on working with runaways, but work with youth that have runaway behavior as one of a variety of presenting problems.

Some of these services work with youth that have a fairly high level of system involvement. But many of these “other” local services have a focus toward prevention or early intervention.

Local Services Focused Toward Runaways

Below provided is overview information on local services that have a specific focus for work with runaways. Similar to some of the state services discussed above and services funded with RHY Act funds, the below local services have a focus toward working with runaways. The services outlined are crisis oriented in that they can be engaged immediately after youth are taken into custody by law enforcement.

Intake Centers

Three juvenile detention centers in Iowa (Pottawattamie, Polk and Woodbury Counties) presently have areas within their facility or on their facility grounds where youth can be taken for brief holds. The areas for these holds are nonresidential and in most cases the hold length is just a few hours. These intake centers are designed to provide a stop-gap for youth that have been involved in behavior *not* serious enough to place them in a juvenile detention center, or for youth that need a transitional hold to move them on to another setting. Many such youth are taken to intake centers to be reunited with their parents, or returned to placement. Many of these youth still require other services or court intervention, and the brief hold at the centers can be used as the vehicle to initiate those processes.

Funding for each of the three intake centers is provided by a variety of different sources. Funding for some of the centers has varied literally from year to year. Pottawattamie County has used funds earmarked through the DHS decategorization initiative to allow for a private provider to staff their processing center. Woodbury County’s intake center is funded and staffed with county funds. Polk County’s Center has accessed city, county, JJDP Act and juvenile court funds and has been staffed with both juvenile court and county personnel.

Program Access

Youth accessing the service have ordinarily been taken into custody by law enforcement and brought to the intake center because they cannot be immediately released at the scene, no parent or guardian was available so that the youth could be taken home, a process of accessing the courts or services needed to be initiated, or a youth just needed a few hours in the center to be calmed down or stabilized.

Attendant Care

Attendant care programs bring youth workers, many times from local private providers, to monitor and supervise youth (often runaway youth) in jails/lockups after they have been taken into custody by law enforcement. Youth are normally then held in an

unlocked setting in a jail or police lockup until other arrangements can be made by the attendant care worker. Holds in attendant care setting are typically brief (normally only a few hours).

An attendant care program in Iowa City is operated by United Action for Youth (UAY - a local private youth service provider), and the Iowa City Police Department. UAY has an on call person that will monitor/supervise youth at the police station. Not all runaways or other youth in crisis taken into custody by law enforcement would necessarily access UAY's attendant care program. Rather, it is for those youth taken into custody that cannot be immediately processed and released. That program is operated with RHYA funds.

Similar programs have been started in various rural and metropolitan areas in Iowa utilizing JJDP Act funds, but have struggled to continue. One of the reasons is the funding necessary to have staff persons available to sit with runaways, and the fact that periods of time may elapse, especially in rural areas, where no attendant care worker is needed to sit with a runaway

The state of Michigan has made fairly extensive use of attendant care in its rural areas. Attendant care was originally developed as an alternative for rural areas for use by law enforcement that had taken youth into custody, but could not release the youth at the scene. The entire concept of attendant care is focused on allowing law enforcement staff to be "freed up" from sitting with youth, yet allowing youth to receive the care and services they require. The concept was developed specifically for the needs of runaway youth.

Program Access

Youth are picked up by law enforcement and brought to a law enforcement station/office. Attendant care workers are called in to sit with the youth. Attendant workers try to contact parents or providers and may do initial work to engage services for the child.

Staff Intensive Shelter

Youth Emergency Services and Shelter (YESS) began operation of a staff intensive shelter in March 1996 to service a population of chronic status offenders (runaways, truants) for a population of youth ages 11-17. The program operates as its own unit in the same building with the agencies emergency shelter program. The staff intensive shelter is provided in an unlocked setting.

The daily routine in the staff secure setting is more structured than the regular shelter program and anchored by the relationships established between staff and residents. These relationships become critical in situations where residents feel compelled to run from the program. The program operates at a one-to-three staff to client ratio, as opposed to the

one-to-five ratio in the other YESS programs. This enhanced ratio allows staff the opportunity to develop client relationships and ensures appropriate supervision in situations requiring one-to-one intervention (i.e. youth threatening to run).

The program operates with the following funding sources: JJDP Act, DHS purchase of service contracts, United Way and private funds. Additionally the program accessed DHS funds through the decategorization initiative.

Program Access

Youth are admitted to the Staff Intensive Shelter program based on assessment conducted during the intake process. Any youth who has runaway two or more times in the past 30 days, or five or more times in the past year would be considered for the program. Likewise, any youth who, through truancy; is currently failing one or more classes, or has five or more unexcused absences, or has received a school disciplinary action would be eligible. The six bed program is available to both females and males. Adjudicated youth meeting eligibility criteria may enter the program, but primary consideration is given to non-system placements in hopes of reunifying families and diverting young people from system involvement.

Other Local Services and Funding for Runaways

Provided immediately below is information on “other” local services that may not have a direct focus on working with runaways, but work with youth that have runaway behavior as one of a variety of presenting problems. Some of these services provide care for youth with a high level of system involvement. Many of these “other” local services, however have a focus toward prevention or early intervention.

Federal Juvenile Justice and Delinquency Prevention Act Funds

The State of Iowa is one of 48 states and 6 territories participating in the JJDP Act. As a participating state Iowa is required to comply with a number of requirements related to holds for youth in secure settings. Iowa receives approximately \$650,000 in federal formula grant funds that can be used, among other purposes, to assist in complying with JJDP Act requirements. Funding is provided to states through a formula based on that state’s juvenile population. All JJDP Act funds are then administered by a designated state planning agency. Iowa’s state planning agency is CJJP.

Many of the programs operating with JJDP Act funds are for prevention or early intervention services. Often such programming works with runaways or can be used to prevent future runaways behavior. One of the intents of the JJDP Act is to forge partnerships between federal, state and local officials by providing the opportunity for communities to access federal funds. In Iowa, most applicants for JJDP Act funds are community level providers.

Participating states are also required to utilize a state advisory group (SAG) comprised of juvenile justice system officials, youth, and citizen volunteers. That council is to assist in developing state plans regarding juvenile justice issues, set funding priorities for JJDP

Act funds and provide oversight for the expenditure of those funds. Iowa's SAG is the Juvenile Justice Advisory Council (JJAC).

In 1996-1997 the JJAC prioritized programming for runaways as one of the categories to be funded with JJDP Act funds. Nine of the 21 projects funded for '96-'97 will provide programming specifically for or related to runaways issues.

Program or Funding Access

JJDP Act formula grant funds are available to assist states in complying with the requirements of the Act and to improve the states juvenile justice system. Local programs apply for the funds through the administering state agency - in Iowa local programs would apply for JJDP Act funds through CJJP. Programs must reapply annually through a competitive application process. Many of the youth accessing JJDP Act formula grant funded services exhibit or have exhibited runaway behavior.

Community Crime Prevention Services

In 1994 the Iowa Legislature appropriated funds for a Community Crime Prevention Initiative. The program focuses on allowing communities to develop plans on how they can best reduce juvenile crime. The enacting legislation requires communities to involve a variety of local decision makers in the development of the plan. Communities that recognize runaways as a problem or issue would be able to prioritize services or other responses accordingly in their application for funding. State funds of \$1.6 million combined with JJDP Act Title V funds are utilized for Iowa's community crime prevention initiative.

A number of communities have developed programming that either directly or indirectly impacts on runaways. Most of the communities have incorporated forms of prevention or early intervention programming such as youth leadership, mentoring, after school programs, etc. Of the 19 projects funded for the 1996-97 period, five will provide programming specifically for or related to runaways issues.

Program Access

Local governments (cities or counties) or Iowa Code Section 28E entities are eligible to apply to CJJP for Community Crime Prevention funding. State crime prevention funds have been appropriated annually for the past three years. Applicants are required to apply through a competitive basis to access those funds.

Community Policing

Community policing hinges on the concept that residents in the neighborhood are the best catalysts for change within that neighborhood. Community policing allows for

communities to work with law enforcement to be a part of the solution for the problems facing them. With Community policing communities are empowered to work with law enforcement to develop or access solutions/alternatives for runaway youth.

Community policing is a collaborative effort between the police and the community that identifies problems of crime and disorder and involves all elements of the community in the search for solutions to these problems. Law enforcement has long recognized the need for cooperation with the community it serves. Officers speak to neighborhood groups, participate in business and civic events, consult with social agencies, and take part in education programs for school children. Foot and bike patrols bring police close to the community.

Program Access

Many communities in Iowa participate in some form of community policing. Federal, state, city, county and private funds are utilized to assist local community policing initiatives. Many communities in Iowa have funded community policing initiatives through the federal Violent Crime Control and Law Enforcement Act of 1994 and, prior to 1994, the Police Hiring Supplement. The programs have allowed communities to add law enforcement officers for community policing efforts in a variety of areas including: assistance with crime associated with youth gangs, programs to combat domestic violence, training and education grants, technology and equipment grants, etc. According to US Department of Justice Statistics, more than 290 staff have been added or maintained across the state of Iowa with these funds in both metropolitan and rural areas. It is not known if any of these new law enforcement resources have been devoted to their community's runaway problems.

School Based Youth Services

The School Based Youth Services Program (SBYS), which began as a pilot program in four sites in 1990, is now available in 18 locations across the state. Participating schools in Iowa have formed community collaboration to provide a range of outreach, counseling and other supportive services to youth and families at risk.

The program is designed to provide services to youth at the place where they spend a considerable part of their day - in school. Most of the population served are middle and high school youth (56 percent). Many of the programs offered through SBYS deal directly with issues faced by runaways. Certainly some of the youth accessing school based youth services programs are runaways.

The program is funded by the Iowa Department of Education.

SBYS Program Access

The Department of Education has utilized a competitive application process for school systems to access SBYS funding. Programs are funded for four years (certain annual reapplication information is required).

School Based Supervision Program

School based supervision programs provide on-site supervision services to students at middle and high school levels who are at risk of out-of-home placement. The program focuses on keeping youth in school as a key to preventing a placement. This program deals with misbehavior and truancy in the school setting on an immediate basis. Some of the youth accessing the program have been or are presently runaways. Additional program components include court intake, family assistance and resource development. According to DHS statistics 40 schools had School Based Supervision Projects during SFY 1996.

The program is one of four originally proposed to the Iowa Legislature specifically dealing with delinquents in the SFY '95 budget (three other programs were mentioned above under juvenile court services). All of the four programs allow for intensive work with youth while they remain in the community. They are designed to promote collaborative work among DHS, Juvenile Court and the school system.

The School Based Supervision program is funded with state and local school district funds.

Program Access

Adjudicated delinquents or youth at risk of adjudication as identified by DHS, Courts and/or school, ages 12-17 are eligible for this program.

Additional Local Service and Planning Initiative

A number of other alternatives, not traditionally classified as system services, lend themselves as viable options to service runaways. They include: churches or other church activity groups, community recreation centers, YWCA or YMCA programs, girl and boy scouts, big brother big sister programs, Boys and Girls Clubs, etc. Some of these types of programs are available in communities across Iowa.

Additionally there are government and private planning groups in local jurisdictions that are concerning themselves with the various issues presented by runaways. Some of the those planning groups would include: S.A.F.E. Coalitions, Neighborhood Associations decategorization committees, city and county governments, United Way organizations, Positive Youth Development Committees, etc.

RUNAWAY PROCESSING IN OTHER STATES

The appropriate treatment of status offenders (runaways), presents one of the most vexing problems for the juvenile justice system in America. There has, indeed, been fairly widespread concern on how best to serve a population of status offenders. One specific concern focuses on how, ultimately, to obtain the effective cooperation of these youth in treatment and rehabilitation programs. Consequently, a number of states have taken advantage of the opportunity presented by exceptions to the federal legislation to enact laws that allow more severe action in the case of a status offender (runaway) who has been adjudicated and then ignores or violates the court's order directing participation in a

rehabilitative program or other treatment. The model below for Washington State would be reflective of this philosophy.

Another approach is a “two-prong” attack on the program that encourages the development of community resources for status offenders and then fashions a procedural system to maximize the use of these community-based resources to prevent children engaged in non-criminal misbehavior from penetrating into the court system, or, if such penetration occurs, requires the exhaustion of all available resources before the court can become involved in any required intervention. The state of New Jersey has incorporated such a model. That model will be discussed later on this section.

Washington State

In 1995 Washington state passed what is referred to as the BECCA bill which has allowed for fairly significant changes for how their juvenile justice system deals with status offenders. Impetus for the change resulted, in part, from the murder of a 13-year-old runaway, Rebecca Headman. For this report, overview of the BECCA bill will be limited to the effect that the law has on runaway youth. The changes from the BECCA bill clearly have a focus which allows for parents to access court supervision and services. Washington’s court system is “county based” and state officials stress that the overall impact of the BECCA bill has varied greatly in the individuals counties across that state. The bill contained the following key provisions related to runaways:

At Risk Proceedings

Provisions of the BECCA bill assure parents of the availability of an “at risk” proceeding for their children. At risk proceedings are initiated by parents and allow access to juvenile court supervision and fairly limited services, similar to Iowa’s FINA proceedings. Prior to the enactment of the BECCA bill, parental access to such processing had been subject to the availability of funding. Failure on the part of the youth to comply with the court orders enacted through at risk proceedings can result in a VCO finding with youth potentially being disposed to juvenile detention facilities. The Washington State Legislature appropriated approximately \$2.3 million for court costs, but it should be noted that those court costs were not restricted only to this provision of the bill.

Crisis Residential Care Centers

Another key provision of the bill allows for the creation of locked Crisis Residential Care Centers (CRC’s) for runaways (nonsecure CRC’s presently exist in Washington). Law enforcement officials that pick up runaway youth would be allowed to take youth to locked CRC’s where they can be held for up to five days. Law enforcement would have some discretion in the use of CRC’s - officers would be able to return youth to their homes if parents were willing to accept the youth. Law enforcement could also place runaways youth in shelter care facilities.

The legislature appropriated approximately \$3 million for the development of locked CRC’s, and a competitive application process is being utilized for funding for those centers. However, a number of applicants have withdrawn from the application process

and the opening of those locked setting has been delayed due to concerns that they will potentially violate provisions of the JJDP Act. Washington State officials still have not definitively determined whether the locked CRC's will comply with the JJDP Act. There may additionally be concerns that the provision does not provide necessary due process requirements, because no hearing is required for placement in the locked CRC's. Regardless, a locked CRC may be open within the next few months.

Mental Health Commitments

The BECCA bill expanded parents' authority to commit and require their children to remain in locked mental health/substance abuse facilities. A recent state supreme court decision has struck down some or all of those particular provisions of the BECCA bill. At the writing of this report there was conflicting information from Washington State Officials on the overall implications of the court case. Some sources indicated that parents could still do voluntary commitments on older youth against the wishes of the child. All sources from Washington State agreed, however, that the court case struck down the mental health section of the BECCA bill which required children to remain against their will in locked mental health facilities without a court hearing, because it violated due process requirements.

New Jersey

The state of New Jersey incorporates the use of Family Crisis Intervention Units (FCIU's) for a population of juvenile that would previously have been under the jurisdiction of the juvenile court (runaways, truant, families in conflict, etc.). FCIU's are required to provide 24 hour on-call responses to stabilize crisis situations, counsel youth and families, get them involved in available community services where needed. A rationale for this approach was a decreasing emphasis on the problems of individual juveniles and a refocusing on the entire family. The services most frequently accessed by these families include crisis intervention, case management, therapy and information and referral. The majority of FCIU's are operated by county executive agencies or mental health centers: the others by court intake services.

A major rationale for the creation of FCIU's was to divert from court hearings cases that could be better handled in a different setting-thus making court workloads more manageable. In lieu of the courts, FCIU's were to utilize crisis intervention techniques and community referrals to help resolve crisis situation to stem further problems. FCIU's are county funded entities and are in each of New Jersey's 21 counties..

In 1990, 11,732 FCIU cases were handled and "disposed" statewide, a 4 percent increase from the previous calendar year. Half of all new cases involved serious family conflict as the major reason for referral to the Units, followed by runaway (16 percent) and truancy (13 percent) cases. Only 11 percent of all cases were ultimately referred or "petitioned" to court for further handling. New Jersey officials report that one of the most critical elements to the success of the FCIU's are staff supports that insure families actually access necessary services.

The New Jersey Code provides that FCIU's can be created "in-court" or in a non-court setting. The differently situated FCIU's vary somewhat in the training and background of staff and the manner in which they handle cases. One clear example is the number of counseling sessions provided. A February 1990 report reflects that out-of-court FCIU's were significantly more likely to provide three or more counseling sessions. "Mental health type" out-of-court Units are most likely to provide extended sessions. In addition, in-court Units are more likely to limit their interventions to telephone contacts, doing so in nearly two of every five cases.

In 1990 a Juvenile-Family Crisis Intervention Symposium group was established, including broad participation of FCIU administrators. It sought to establish statewide operating standards for FCIU's and to determine how overall effectiveness might best be measured. The group made a number of recommendations, many of which focused on the need for evaluation and record keeping. A key recommendation centered on the need for training.

Table of Contents

RUNAWAYS AND THE LAW	1
State Law	1
Iowa Code Sections with Specific Relevance to Runaways.....	1
Taking Youth Into Custody - Iowa Code Section 232.19	1
Placement of Youth Into Shelter Care	3
Harboring a Runaway Child	4
Iowa Code Legal Processes with Relevance to Runaways.....	4
Child in Need of Assistance (CINA).....	4
Family In Need of Assistance (FINA).....	6
Delinquency.....	7
Civil Commitment Proceedings.....	7
Federal Law	7
The Federal Juvenile Justice and Delinquency Prevention Act.....	8
Deinstitutionalization of Status Offenders	8
DSO Exceptions	8
SERVICES AND FUNDING FOR RUNAWAYS.....	9
Changes Affecting Services For Runaways	9
Group Care Cap.....	10
Medicaid Initiative.....	10
Managed Care - Mental Health and Substance Abuse Treatment	10
Expansion of Family-Centered Services	11
Decategorization.....	11
Federal Funding Administered Specifically For Runaways.....	12
Federal Runaway and Homeless Youth Act Funds	12
Basic Center Program.....	13
Transitional Living	13
Street Outreach	13
State Services For Runaways	14
State Services Focused Toward Runaways	14
Shelter Care	14
Family Preservation Services	15
Family Centered Services.....	16
Mental Health Services.....	17
Substance Abuse Services	18
Other State Services and Funding for Runaways	19
Juvenile Court Services	19
Psychiatric Medical Institutions for Children.....	20
Group Care	20
Family Foster Care	21
Independent Living Services	22
The Iowa Juvenile Home	23
Local Services For Runaways	23
Local Services Focused Toward Runaways	24
Intake Centers.....	24
Attendant Care.....	24
Staff Intensive Shelter	25
Other Local Services and Funding for Runaways	26
Federal Juvenile Justice and Delinquency Prevention Act Funds	26
Community Crime Prevention Services	27
Community Policing.....	27
School Based Youth Services.....	28
School Based Supervision Program	29
Additional Local Service and Planning Initiative.....	29
RUNAWAY PROCESSING IN OTHER STATES.....	29
Washington State.....	30
New Jersey	31